

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

**ERNESTO GRACIA CANTU,**  
*Plaintiff,*

**v.**

**BIG LOTS STORES, INC.,**  
*Defendant.*

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**CIVIL ACTION NO. 7:21-cv-00136**  
**JURY TRIAL DEMANDED**

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**DEFENDANT’S INDEX OF MATTERS BEING FILED**

---

Defendant Big Lots, Inc. files this Index of Matters Being Filed pursuant to  
Local Rule 81 of the Southern District of Texas, as follows:

- (1) All Executed Process:
  - Civil Process Request Form for Big Lots, Inc.
  - Citation and Affidavit of Service
- (2) All State Court Pleadings:
  - Plaintiff's Original Petition filed March 1, 2021
  - Defendant's Original Answer filed March 30, 2021
- (3) State Court Case Summary
- (4) Letter from court notifying of signed order filed April 1, 2021
- (5) List of all Counsel of Record

**CERTIFICATE OF SERVICE**

This is to certify that on the 8th day of April 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record, as follows:

Michael J. Cisneros  
State Bar No. 00793509  
312 Lindberg  
McAllen, Texas 78501  
[email@cisneroslawfirm.com](mailto:email@cisneroslawfirm.com)  
*Counsel for Plaintiff*

- ☐ E-MAIL
- ☐ HAND DELIVERY
- ☐ FACSIMILE
- ☐ OVERNIGHT MAIL
- ☐ REGULAR, FIRST CLASS MAIL
- ☐ E-SERVICE (E-SERVICE ONLY)
- ☒ E-FILE (E-FILE AND SERVICE)
- ☐ CERTIFIED MAIL/RETURN RECEIPT REQUESTED



# EXHIBIT 1

**NOTICE: Pursuant to TRCP 126: Statement of Inability to Afford Payment of Court Costs or an Appeal Bond filed = NO**

**C-0783-21-I**  
**398TH DISTRICT COURT, HIDALGO COUNTY, TEXAS**

**CITATION**  
**THE STATE OF TEXAS**

**NOTICE TO DEFENDANT:** You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

**BIG LOTS STORES INC.**  
**REGISTERED AGENT: CORPORATION SERVICE COMPANY D/B/ A**  
**CSC-LAWYERS INCORPORATING SERVICE COMPANY,**  
**211 EAST 7TH STREET SUITE 620**  
**AUSTIN TX 78701-3218**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFFS ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable L. "Keno" Vasquez, 398th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 1st day of March, 2021 and a copy of same accompanies this citation. The file number and style of said suit being C-0783-21-I, **ERNESTO GRACIA CANTU VS. BIG LOTS STORES INC.**

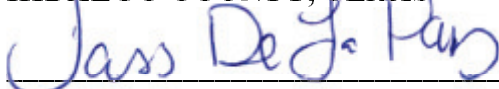
Said Petition was filed in said court by Attorney **MICHAEL J. CISNEROS, 312 LINBERG MCALLEN TX 78501.**

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

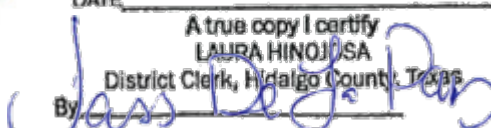
**ISSUED AND GIVEN UNDER MY HAND AND SEAL** of said Court at Edinburg, Texas on this the 3rd day of March, 2021.

**LAURA HINOJOSA, DISTRICT CLERK**  
**100 N. CLOSNER, EDINBURG, TEXAS**  
**HIDALGO COUNTY, TEXAS**

  
**JASSIA DE LA PAZ, DEPUTY CLERK**



4/1/2021

DATE \_\_\_\_\_  
A true copy I certify  
LAURA HINOJOSA  
District Clerk, Hidalgo County, Texas  
By 



**C-0783-21-I**  
**OFFICER'S RETURN**

Came to hand on \_\_\_\_\_ of \_\_\_\_\_, 202\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_.m. and executed in \_\_\_\_\_ County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the \_\_\_\_\_ (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE

And not executed as to the defendant, \_\_\_\_\_ the diligence used in finding said defendant, being: \_\_\_\_\_ and the cause of failure to execute this process is: \_\_\_\_\_ and the information received as to the whereabouts of said defendant, being: \_\_\_\_\_. I actually and necessarily traveled \_\_\_\_\_ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ \_\_\_\_\_  
miles .....\$ \_\_\_\_\_

\_\_\_\_\_  
**DEPUTY**

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_ and the address is \_\_\_\_\_, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

\_\_\_\_\_  
**Declarant"**

\_\_\_\_\_  
**If Certified by the Supreme Court of Texas**  
**Date of Expiration / PSC Number**

**ORIGINAL**

**NOTICE: Pursuant to TRCP 126: Statement of Inability to Afford Payment  
of Court Costs or an Appeal Bond filed = NO**

**C-0783-21-I  
398TH DISTRICT COURT, HIDALGO COUNTY, TEXAS**

**CITATION  
THE STATE OF TEXAS**

**NOTICE TO DEFENDANT:** You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

**BIG LOTS STORES INC.  
REGISTERED AGENT: CORPORATION SERVICE COMPANY D/B/ A  
CSC-LAWYERS INCORPORATING SERVICE COMPANY,  
211 EAST 7TH STREET SUITE 620  
AUSTIN TX 78701-3218**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFFS ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable L. "Keno" Vasquez, 398th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 1st day of March, 2021 and a copy of same accompanies this citation. The file number and style of said suit being C-0783-21-I, **ERNESTO GRACIA CANTU VS. BIG LOTS STORES INC.**

Said Petition was filed in said court by Attorney **MICHAEL J. CISNEROS, 312 LINBERG MCALLEN TX 78501.**

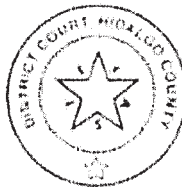
The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

**ISSUED AND GIVEN UNDER MY HAND AND SEAL** of said Court at Edinburg, Texas on this the 3rd day of March, 2021.

**LAURA HINOJOSA, DISTRICT CLERK  
100 N. CLOSNER, EDINBURG, TEXAS  
HIDALGO COUNTY, TEXAS**

  
**JASSIA DE LA PAZ, DEPUTY CLERK**



4/1/2021

DATE

A true copy I certify  
LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

By



C-0783-21-I  
OFFICER'S RETURN

Came to hand on 3 of Mar, 2021 at 3:30 o'clock P.m. and executed in Texas County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the HS Criminal (petition) at the following times and places, to-wit: Certified Mail

NAME	DATE	TIME	PLACE
<u>By Sgt. Stines</u> <u>Corp. Soc. Co.</u>	<u>3-5-21</u>		<u>211 E. 7th St - Austin, TX</u>

And not executed as to the defendant, \_\_\_\_\_ the diligence used in finding said defendant, being: \_\_\_\_\_ and the cause of failure to execute this process is: \_\_\_\_\_ and the information received as to the whereabouts of said defendant, being: \_\_\_\_\_. I actually and necessarily traveled \_\_\_\_\_ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ \_\_\_\_\_  
miles .....\$ \_\_\_\_\_

Joe Mena  
**DEPUTY**

COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Joe Mena, my date of birth is \_\_\_\_\_ and the address is 2134 Ven Road 78559, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Texas County, State of Texas, on the 5 day of Mar., 2021.

Joe Mena  
Declarant"

2249 8/31/22  
If Certified by the Supreme Court of Texas  
Date of Expiration / PSC Number



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY													
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <b>X</b></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>													
<p>1. Article Addressed to:</p> <p><b>BIG LOTS STORES, INC. c/o Corp. Service Co. 211 E. 7th St./Ste. 620 Austin, Tx 78701</b></p>		<p>B. Received by (Printed Name) <b>Anna Mendoza</b></p> <p>C. Date of Delivery <b>MAR 09 2021</b></p>													
<p>2. Article Number (Transfer from service label)</p> <p><b>7020 0090 0002 1412 1448</b></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><b>AAO</b></p> <p>6</p>													
<p>Barcode: 9590 9402 6195 0220 7946 87</p>		<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td></td></tr></table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®														
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™														
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery														
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™														
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery														
<input type="checkbox"/> Collect on Delivery Restricted Delivery															
PS Form 3811, July 2020 PSN 7530-02-000-9063		Domestic Return Receipt													

# EXHIBIT 2

**C-0783-21-I**

CAUSE NO.: \_\_\_\_\_

ERNESTO GRACIA CANTU	§	IN THE _____ JUDICIAL DISTRICT
	§	
VS.	§	
	§	COURT OF
	§	
BIG LOTS STORES INC.	§	HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES ERNESTO GRACIA CANTU, hereinafter referred to as Plaintiff, and files this, his Original Petition against BIG LOTS STORES INC., hereinafter referred to as Defendant, and for cause of action will show the Court the following:

DISCOVERY CONTROL PLAN - BY RULE (LEVEL 3)

1. Plaintiff intends to conduct discovery under Level 3 as provided by Rule 190 of the Texas Rules of Civil Procedure.

CLAIM FOR RELIEF

2. Plaintiff is seeking monetary relief from Defendant in an amount that is more than \$100,000.00, but less than \$250,000.00.

PARTIES

3. Plaintiff ERNESTO GRACIA CANTU resides in Brownsville, Cameron County, Texas.

4. Defendant BIG LOTS STORES INC. is a duly licensed corporation in Texas that may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218.

4/1/2021



DATE \_\_\_\_\_

A true copy I certify  
LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

By: \_\_\_\_\_

**C-0783-21-I**VENUE AND JURISDICTION

5. The incident described hereinbelow or events giving rise to Plaintiff's claim against Defendant arose in Edinburg, Hidalgo County, Texas. Venue for this cause of action therefore lies in Hidalgo County, Texas.

6. The damages that Plaintiff is seeking from Defendant are within the jurisdictional limits of the Court. This Court therefore has jurisdiction of this cause of action.

FACTS

7. On July 5, 2019, at approximately 11:00 a.m., Plaintiff was at Defendant's Big Lots store located in Edinburg, Hidalgo County, Texas for business purposes. Defendant had beach chairs stocked on shelves in an aisle. As Plaintiff was looking at the chairs, several chairs fell off of a shelf and hit Plaintiff, causing him to suffer injuries and damages. Defendant's employees stocked the chairs on the shelves in an unsecured and improper manner which caused them to fall off the shelf and hit Plaintiff. Defendant's employees therefore created the dangerous condition on the store premises that caused Plaintiff to suffer injuries and damages. Knowledge of the dangerous condition is therefore imputed on Defendant under Texas Premises Liability Law. After the incident occurred, the store manager arrived in the aisle to investigate the incident. The manager touched a chair that was stocked on a shelf, and several chairs fell off the shelf and hit the manager as well.

CAUSE OF ACTION BASED ON  
PREMISES LIABILITY LAW AND PROXIMATE CAUSE

8. At all time that is material to the incident described hereinabove and this case, Defendant was negligent under premises liability law in that: A. Plaintiff was a business invitee, B. Defendant owned, possessed, and/or controlled the premises where the incident described hereinabove occurred, C. A condition on the premises, that beach chairs that were stocked on shelves in an unsecured and improper manner, posed an

**C-0783-21-I**

unreasonable risk of harm, D. Defendant knew or reasonably should have known of the danger posed by the condition, and E. Defendant breached its duty of ordinary care by failing to adequately warn Plaintiff of the condition and failing to make the condition reasonably safe. This negligence by Defendant was the sole proximate cause or a proximate cause of the incident described hereinabove and of the injuries and damages suffered by Plaintiff, as set out hereinbelow.

DAMAGES

9. As a proximate cause of the negligence of Defendant in causing the incident described hereinabove, Plaintiff suffered injuries, suffered physical pain and mental anguish in the past, will suffer physical pain and mental anguish in the future, suffered physical impairment in the past, will suffer physical impairment in the future, suffered physical disfigurement in the past, will suffer physical disfigurement in the future, lost wages in the past, will suffer a loss of earning capacity in the future, incurred medical expenses in the past, and will incur medical expenses in the future. Plaintiff is seeking monetary relief from Defendant in an amount that is more than \$100,000.00, but less than \$250,000.00, as compensation for his damages.

VICARIOUS LIABILITY

10. At all time that is material to the incident described hereinabove and this case, Defendant's employees acted within the course, scope, and authority of their employment and/or agency relationship with Defendant. Defendant should therefore be held vicariously liable to Plaintiff for all of Plaintiff's damages alleged herein.

PREJUDGMENT AND POSTJUDGMENT INTEREST

11. Plaintiff further sues Defendant herein for prejudgment interest at the maximum rate allowed by law on those damages where such interest may be assessed and for postjudgment interest at the maximum rate allowed by law on all of Plaintiff's damages from the date of judgment until the judgment is paid in full.

**C-0783-21-I**REQUEST FOR JURY AND JURY FEE

12. Plaintiff requests that the above-styled and numbered cause be tried to a jury and represents to the Court that the proper jury fee has been paid to the Clerk of this Court with the filing of Plaintiff's Original Petition.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing, he have judgment against Defendant for all of his damages hereinabove alleged, for prejudgment and postjudgment interest, and for any and all other relief, both general and special, in law and in equity, and for all costs of Court in his behalf expended.

Respectfully Submitted,

THE CISNEROS LAW FIRM, L.L.P.  
312 Lindberg  
McAllen, Texas 78501  
Telephone No. (956) 682-1883  
Fax No. (956) 682-0132  
Email: email@cisneroslawfirm.com



MICHAEL J. CISNEROS  
State Bar No. 00793509  
ARTURO CISNEROS  
State Bar No. 00789224  
Attorneys for Plaintiff

**CAUSE NO. C-0783-21-I****ERNESTO GRACIA CANTU,***Plaintiff,***V.****BIG LOTS STORES, INC.,***Defendants.*§  
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§**IN THE DISTRICT COURT OF****398<sup>TH</sup> JUDICIAL DISTRICT****HIDALGO COUNTY, TEXAS****DEFENDANT BIG LOTS STORES, INC.'S ORIGINAL ANSWER  
AND VERIFIED DENIAL**

COMES NOW, BIG LOTS STORES, INC. ("Defendant", incorrectly named and an improper party), and files its Original Answer and Verified Denial as follows:

**I.****VERIFIED DENIAL**

Defendant specifically denies, pursuant to Rule 93(4) of the TEXAS RULES OF CIVIL PROCEDURE, that Defendant has any liability and/or interest in the incident that forms the basis of Plaintiff's lawsuit and said denial is supported by verification herein. Furthermore, Defendant denies that it is a proper party to this lawsuit and hereby challenges this Court's jurisdiction over them.

**II.****GENERAL DENIAL**

Subject to and without waiving the foregoing Verified Denial, and in the alternative, Defendant denies each and every, all and singular, material allegations contained within Plaintiff's pleadings and any amendments or supplements thereto and demands strict proof thereof in accordance with the Texas Rules of Civil Procedure.

4/1/2021



DATE

A true copy I certify

LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

By



**III.**  
**SPECIAL EXCEPTION**

Defendant specially excepts to Plaintiff's Original Petition and the assertions and causes of action against it are improper because this Defendant is the wrong party – and not a merely misnomer for the correct party. Thus, there is a defect in the parties.

**IV**  
**NOTICE OF INTENT TO USE DISCOVERY**

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Defendant hereby give actual notes to Plaintiff that any and all documents produced by Plaintiff may be used against Plaintiff at any pretrial proceeding or at the trial of this matter without the necessity of authenticating the documents.

**WHEREFORE, PREMISES CONSIDERED,** BIG LOTS STORES, INC. prays that Plaintiffs take nothing by this suit, that Plaintiffs be required to pay Defendant's costs, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

**MAYER LLP**  
750 N. St. Paul Street, Suite 700  
Dallas, Texas 75201  
214.379.6900 / Fax 214.379.6939

By: /s/ Zach T. Mayer  
Zach T. Mayer  
State Bar No. 24013118  
[zmayer@mayerllp.com](mailto:zmayer@mayerllp.com)  
Sara Krumholz  
State Bar No. 24060579  
[skrumholz@mayerllp.com](mailto:skrumholz@mayerllp.com)

**ATTORNEYS FOR DEFENDANT**  
**BIG LOTS STORES, INC.**



**CERTIFICATE OF SERVICE**

This is to certify that on the 30<sup>th</sup> day of March 2021, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

**Via E-File**

Michael J. Cisneros  
Arturo Cisneros  
THE CISNEROS LAW FIRM, L.L.P.  
312 Lindberg  
McAllen, Texas 78501  
Email: [email@cisneroslawfirm.com](mailto:email@cisneroslawfirm.com)

*Attorneys for Plaintiffs*

/s/ Zach T. Mayer

Zach T. Mayer

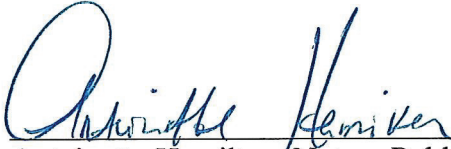
**VERIFICATION**

STATE OF TEXAS                   §  
   §  
COUNTY OF DALLAS           §


BEFORE ME, the undersigned authority, on this day personally appeared **ZACH T. MAYER** who, being by me duly sworn upon his oath, deposed and stated that he is duly qualified and authorized in all respects to make this verification on behalf **BIG LOTS STORES, INC.** that he has read the above and foregoing Original Answer and Verified Denial and that the factual statements contained in Section II of the Original Answer are within his personal knowledge and are true and correct.

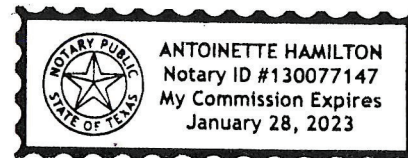
  
\_\_\_\_\_  
**ZACH T. MAYER**

SWORN TO AND SUBSCRIBED TO BEFORE ME, on this the 30<sup>th</sup> day of March  
2021.

  
\_\_\_\_\_  
Antoinette Hamilton, Notary Public, State of Texas

My Commission Expires: 1-28-23

  
\_\_\_\_\_  
Printed Name of Notary



# EXHIBIT 3

398TH DISTRICT COURT

**CASE SUMMARY****CASE NO. C-0783-21-I**

**Ernesto Gracia Cantu**  
**VS.**  
**Big Lots Stores Inc.**

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Location: **398th District Court**  
 Judicial Officer: **Vasquez, L. "Keno"**  
 Filed on: **03/01/2021**

**CASE INFORMATION**

Case Type: **Injury or Damage - Other**  
**(OCA)**

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number C-0783-21-I  
 Court 398th District Court  
 Date Assigned 03/01/2021  
 Judicial Officer Vasquez, L. "Keno"

**PARTY INFORMATION****Plaintiff****Gracia Cantu, Ernesto***Lead Attorneys***CISNEROS, MICHAEL J.***Retained*

956-682-1883(W)

**Defendant****Big Lots Stores Inc.****MAYER, ZACH T***Retained*

214-379-6900(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX**

04/01/2021



Request

*DEFENDANT'S 2ND REQUEST FOR A CERTIFIED COPY OF THE RECORD*

03/31/2021

E-Filing Forwarded to Court Queue

*ORDER SETTING TELEPHONIC DOCKET CONTROL CONFERENCE*

03/31/2021



Proposed Order

*ORDER SETTING TELEPHONIC DOCKET CONTROL CONFERENCE*

03/31/2021



Motion for Docket Control Conference, Filed

03/31/2021



Notice Sent

Party: Attorney MAYER, ZACH T

*COPY REQUEST EMAILED COPIES TO rsenegal@mayerllp.com*

03/30/2021



Request

*DEFENDANT'S REQUEST FOR A CERTIFIED COPY OF THE RECORD*

03/30/2021



Defendant's Original Answer

Party: Defendant Big Lots Stores Inc.

03/03/2021



Citation Issued

Party: Defendant Big Lots Stores Inc.

4/1/2021

DATE

A true copy I certify

LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

By



398TH DISTRICT COURT

**CASE SUMMARY****CASE NO. C-0783-21-I**

03/03/2021

**Citation**

Big Lots Stores Inc.

Served: 03/05/2021

Anticipated Server: E-Served to Attorney

Actual Server: E-Served to Attorney

Return Date/Time: 03/24/2021

03/01/2021



Original Petition (OCA)

**DATE****FINANCIAL INFORMATION****Defendant** Big Lots Stores Inc.

Total Charges

41.00

Total Payments and Credits

41.00

**Balance Due as of 4/1/2021****0.00****Plaintiff** Gracia Cantu, Ernesto

Total Charges

360.00

Total Payments and Credits

360.00

**Balance Due as of 4/1/2021****0.00**

# EXHIBIT 4



# LAURA HINOJOSA

## HIDALGO COUNTY DISTRICT CLERK

Greetings:

Attached please find a copy of an order or judgment notifying you that an order has been signed in a case you are a party to or have been carbon copied on.

We appreciate the opportunity to assist you. Please contact our office if you have any questions or require additional information.

Sincerely,

*Laura Hinojosa*

Hidalgo County District Clerk

# EXHIBIT 5



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

ERNESTO GRACIA CANTU,  
*Plaintiff,*

v.

BIG LOTS STORES, INC.,  
*Defendant.*

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CIVIL ACTION NO. 7:21-cv-00136  
JURY TRIAL DEMANDED

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DEFENDANT'S LIST OF ALL COUNSEL OF RECORD

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Defendant BIG LOTS STORES, INC. files this List of Counsel pursuant to Local Rule 81 of the Southern District of Texas as follows:

A list of all counsel of record, including addresses, telephone numbers and parties represented.

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